

REMARKS

I. REPLY TO NON-ART OBJECTIONS

In the Office Action of August 24, 2005, a duplicate number on Fig. 4 was noted. This has been corrected in the amendment to the drawings. In addition, numbers on Figs. 6 and 7 have been formalized. Acceptance of the replacement sheets of drawing is respectfully requested.

With respect to the objection to the form of the dependent claims, Applicant has reviewed MPEP 608.01(n). Based on this review, it is believed that the Examiner has misapprehended the contents of that section and that, in fact, the claims are in proper format.

As one example, claim 8 recites:

8. The headgear of claims 1, 2, 3, 4, 5, 6 or 7, wherein each light source is super-bright, wide-based, low-profiled, having a wide angle of view, with a plurality of lights, and including timing circuitry enabling the lights to flash in a timed mode of operation.

MPEP 608.01(n) gives various examples of acceptable claims including the following:

A. Acceptable Multiple Dependent Claim Wording

. . .

Claim 16. A gadget as in claims 1, 7, 12, or 15, further comprising

The underlined portion in claim 8 is considered to be of the same form as the acceptable form cited above from MPEP 608.01 (n) in the same area of the claim. It is not necessary that the claim be limited to only two alternatives as suggested in the Office action. The basis of the rejection is not understood and it is respectfully requested that the objection be withdrawn.

In addition, there is now situation where 28 claims of the application have not received a first action on the merits. An action on the merits of these claims is now respectfully

requested. It is believed that these claims are allowable over the art of record.

II. REPLY TO THE REJECTION ON THE PRIOR ART

The rejection on the art finds claim 1 to distinguish only in the area of the graphical image. In this respect it is noted that perhaps claim 1 was not understood by the Examiner to include a plurality of lighting elements within each light source which provide motion within an individual window. In any event claim 1 has now been amended to recite that the plurality of light sources each supply. . . a plurality of lighting elements. This means that the motion of lights provided by the timing circuitry is seen within individual windows. Claim 20 has also been presented to claim the case where it is timing of illumination of multiple light sources within a window that produces the motion.

In contrast thereto, in the base reference Glatt, the light sources are individual LEDs and the motion referred to at col. 4, lines 23-25 is a motion of individual LEDs within corresponding openings around the headgear relative to each other, rather than a motion of lighting elements within individual windows. As seen in Fig. 6, multiple lighting elements can be in one light source 21, 22 or 23 and multiple light sources 21, 22 or 23 can be seen through an individual window. The significance of this is both visual and practical. The resulting illumination effect is different. In addition, the Applicant can use timing circuitry within each light source 21, 22 or 23.

Thus, the graphical element is not the only difference from Glatt as stated in the rejection.

The above-stated difference from Glatt is also a difference from Chien, which shows star elements 71 containing individual LEDs 7. These shapes are quite small and intended to impart a shape to an individual LED element 7. They do not provide multiple lighting elements or multiple light sources operated by timing circuitry in each star 7, 71.

Furthermore, in the present invention, the provision of multiple lighting elements within each lighting source makes it easier to associate a complex graphical image, such as a flame as recited in claim 2, to provide light sources of two or more

colors as claimed in claim 3 and to provide multi-element light sources of the same color as recited in claim 3.

There is criticality to the flame and other graphical images as being more complex than the images illuminated to date. As stated in paragraph 0012:

A more specific object of the present invention is to improve on the lighting effects of illuminated headgears, by providing a headgear in which various graphical designs may be used in multi-element flashing light displays to show the location of the user by providing a motion effect. In this context, the term "graphical" is intended to exclude mere configurations of alphabetic letters and numerals of a type shown in the prior art and generic geometric shapes such as squares, triangles, and circles.

In this context, the case is distinguishable from the case cited in the Office action.

Similarly, the finding in the Office action of the three times the area depended on the consideration of individual lighting elements within the shapes as in Chien. The comments on in the Office action show a misunderstanding of the limitation. The limitation is again meant to emphasize the idea of multiple lighting elements operating within a light source under control of timing circuit, whereas the prior art shows simple illumination of shapes by individual LEDs.

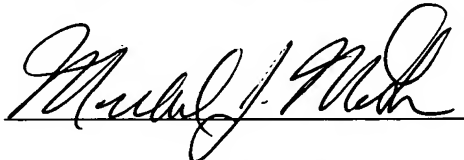
Claims 8, 9, 10, 12, 14, 15, 16, 17, 18 and 19 are also seen to patentably distinguish over the applied art, and no reason is given for the rejection of these claims.

CONCLUSION

In view of the Amendment and Remarks, reconsideration of the patent application is respectfully requested. After the amendment, claims 1-22 are now pending and a Notice of Allowance for these claims is earnestly solicited.

A fee sheet is submitted for the claims. If any other fee is deemed to be due or any credit due, please the Commissioner is authorized to charge Quarles & Brady deposit account no. 17-0055.

Respectfully submitted,

By: 

Michael J. McGovern
Quarles & Brady LLP
411 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 277-5725
Attorney of Record

Reply to Office Action
Appl. No. 10/775,447
Page 2

AMENDMENT TO THE DRAWINGS:

Please find three (3) replacement sheets of drawings with Figs. 4, 6 and 7.

A number duplication of number "33" has been deleted on Fig. 4. The numbers "21, 22 and 23" on Fig. 6 and the numbers on Fig. 7 have been made more formal.